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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,496	03/01/2004	Ryuichi Iwamura	50T5713.02	9501

36738 7590 09/26/2008
ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO, CA 92101

EXAMINER

PHUNKULH, BOB A

ART UNIT	PAPER NUMBER
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2619

MAIL DATE	DELIVERY MODE
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09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,496	Applicant(s) IWAMURA, RYUICHI	
	Examiner BOB A. PHUNKULH	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's 06/11/2008 amendment(s)/response(s) in the application of **IWAMURA** for "**SYSTEM AND METHOD FOR MULTI-LINK COMMUNICATION IN HOME NETWORK**" filed 03/01/2004. The amendment/response to the claims have been entered. No claims have been canceled. No claims have been added. Claims 1-25 are now pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claim subject matter the server or the component determining which path lacks support in the original specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 9-15, 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by *FALVO* et al. (US 2003/0140343), hereinafter *FALVO*.

Regarding claim 1, *FALVO* discloses a home entertainment system, comprising:
at least one server configured for both wired and wireless communication (the combination of digital set top box/cable modem 335 and WLAN bridge 330, see figure 3); and

at least one component configured for communicating with the server along a wired path and also being configured for communicating with the server along a wireless path (the display devices 310-325 are connectable to WLAN bridge 330 via either twisted pair connection or via RF link, see figure 5), at least one of: the server, and component, determining which path to use for communication based on at least one of: a component preference, a bandwidth capability, and an occupancy ratio (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 2, *FALVO* discloses a respective address is associated with each path over which the component communicates (see paragraph 0079).

Regarding claim 3, *FALVO* discloses the addresses are IP addresses (see paragraph 0079).

Regarding claim 4, *FALVO* discloses the component is selected from the group of components consisting of: televisions, and portable computers (see figure 3).

Regarding claim 5, *FALVO* discloses the component is a TV (see figure 3).

Regarding claim 6, *FALVO* discloses at least one of: the server, and component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 9, *FALVO* discloses a method for communicating a home network, comprising:

determining that both a wired and a wireless path exist between the components (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair); 0

determining whether at least one of the components prefers a particular path and if so, communicating data over that path (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair);

otherwise communicating data over at least one of the paths based on at least one of: a bandwidth capability, and an occupancy ratio (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 10, *FALVO* discloses communicating simultaneously between the components using both paths (the WLAN Bridge is simultaneously connectable to a display device connected by twisted pair link and a second display device connected by RF link, see figure 3).

Regarding claim 11, *FALVO* discloses a respective address is associated with each path over which the component communicates (see paragraph 0079).

Regarding claim 12, *FALVO* discloses the addresses are IP addresses (see paragraph 0079).

Regarding claim 13, *FALVO* discloses at least one component is selected from the group of components consisting of: televisions, and portable computers (see paragraph 0013).

Regarding claim 14, *FALVO* discloses the component is a TV (see paragraph 0013).

Regarding claim 15, *FALVO* discloses at least one of: a server, and a component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN

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Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 18, *FALVO* discloses a system for communicating between at least first and second components in a home network, comprising:

means for establishing a wired communication path between the components (802.3 10BASE-T interface, see figure 14);

means for establishing a wireless communication path between the components (RF PHY, see figure 4);

means for communicating data over a component-preferred path when a component-preferred path is indicated, the component-preferred path being selected from the wired and wireless communication paths;

means for, when no component-preferred path is indicated, communicating data over at least one of the paths based on at least one of: a bandwidth capability, and an occupancy ratio (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Regarding claim 19, *FALVO* discloses a respective address is associated with each path (see paragraph 0079).

Regarding claim 20, *FALVO* discloses wherein the addresses are IP addresses (see paragraph 0079).

Regarding claim 21, *FALVO* discloses at least one component is selected from the group of components consisting of: televisions, and portable computers (see figure 3 and paragraph 0013).

Regarding claim 22, *FALVO* discloses the component is a TV (see figure 3 and paragraph 0013).

Regarding claim 23, *FALVO* at least one of: a server, and a component, determines which path to use for communication based at least in part on a component preference (as show in figure 3, display devices are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-8, 16-17, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *FALVO*.

Regarding claims 7-8, 16-17, 24-25, *FALVO* fails to explicitly disclose that WLAN bridge selects/determines which path to use for communication based at least in part on a bandwidth capability and based on at least part on an occupancy ratio.

As shown in figure 3, the display devices in the in home network 305 are connectable to WLAN Bridge 330 via wireless or RF link or twisted pair.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made selects the path based on the bandwidth capacity of the link and occupancy ratio of the link in order to improve the system's performance by avoiding congestion on the link.

Response to Arguments

Applicant's arguments filed 9/11/2008 have been fully considered but they are not persuasive. In response to the applicant's argument the WLAN bridge 330 selects path to the display based on the preferred communication path e.g. preferred path for display devices 320 and 325 are twisted pair and for display devices 310 and 315 are wireless link (see figures 3 and 4 and paragraphs 0048 to 0051 for detail).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this action should be mailed to:

The following address mail to be delivered by the United States Postal Service (USPS) only:

Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(571) 272-3083**. The examiner can normally be reached on Monday-Tuesday from 8:00 A.M. to 5:00 P.M. (first week of the bi-week) and Monday-Friday (for second week of the bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor **Jay Patel**, can be reach on **(571) 272-2988**. The fax phone number for this group is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bob A. Phunkulh/
Primary Examiner, Art Unit 2619